

114TH CONGRESS
2D SESSION

H. R. 5837

To amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid program of items and services furnished in an institution for mental diseases in the case of inpatient, non-hospital substance use disorder treatment facility services furnished for nonelderly adults.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. HASTINGS (for himself, Mr. HUFFMAN, Mr. CLAY, and Ms. BASS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid program of items and services furnished in an institution for mental diseases in the case of inpatient, non-hospital substance use disorder treatment facility services furnished for nonelderly adults.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REMOVAL OF MEDICAID IMD EXCLUSION FOR**
2 **SUBSTANCE USE DISORDER TREATMENT FA-**
3 **CILITY SERVICES FOR NONELDERLY ADULTS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Substance abuse exacts a social and eco-
6 nomic toll on the United States, with widespread
7 detrimental effects on the Nation's health, safety,
8 and economy.

9 (2) The costs of substance abuse to the Na-
10 tion's health care system are estimated at \$524 bil-
11 lion a year with an additional \$181 billion each year
12 in public health, crime, and lost productivity costs,
13 resulting in illicit drug use costing our country a
14 total of \$705 billion annually.

15 (3) The human costs of drug addiction cannot
16 be calculated. Every day in the United States, 120
17 people die as a result of drug overdose, a rate that
18 has more than doubled from 1999 through 2013.
19 Among individuals 25 to 64 years old, drug overdose
20 caused more deaths than motor vehicle traffic crash-
21 es.

22 (4) For millions of Americans substance use
23 progresses to the point where efforts by individuals,
24 their family and friends, and social networks are not
25 sufficient to cope with the problem. In cases of

1 chronic addiction, access to treatment can be a crit-
2 ical and lifesaving resource.

3 (5) Only a fraction of those Americans who
4 need treatment, however, receive it. An estimated
5 23.1 million Americans ages 12 or older needed
6 treatment for substance abuse in 2012; however,
7 only 2.5 million of them actually received treatment.
8 This shortfall is due primarily to the limited avail-
9 ability of substance use disorder services, particu-
10 larly for those in need of residential care to address
11 chronic addiction.

12 (6) The expansion of insurance coverage for
13 substance use disorder treatment through the Af-
14 fordable Care Act has served as a powerful tool to
15 enable individuals to access care to address their
16 substance use disorder, especially for those who ben-
17 efit from outpatient services.

18 (7) However, under current law, access to com-
19 munity-based residential treatment for those with
20 the most severe conditions is denied to Medicaid
21 beneficiaries due to an exclusion of coverage of serv-
22 ices in institutions of mental disease (IMD) that
23 bars reimbursement for care of patients at facilities
24 with more than 16 beds, resulting in inequitable and
25 inaccessible care for millions of Americans.

(b) PERMITTING MEDICAL ASSISTANCE AT FACILITIES PROVIDING INPATIENT, NONHOSPITAL RESIDENTIAL SUBSTANCE USE DISORDER TREATMENT FOR NON-ELDERLY ADULTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in division (B) that follows paragraph (29), by inserting after “institution for mental diseases” the following: “, except that such limitation with respect to an institution for mental diseases shall not apply to a facility insofar as it provides inpatient, nonhospital residential substance use disorder treatment for individuals over 21 years of age”.

19 (c) EFFECTIVE DATE.—The amendment made by
20 subsection (b) shall apply to items and services furnished
21 on or after January 1, 2017.

